



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.NO.17902 OF 2021

K.Abdul Rahman

...Petitioner / Accused

Vs.

State By: The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Regional Unit, Trichy Road,
Coimbatore
(F.No.DRI/CRU/VII/48/ENQ-01/INT-06/2019

...Respondent / Complainant

Prayer : Criminal Original Petition has been filed under Section 439(1)(B) of the Code of Criminal Procedure, r/w 482 Cr.P.C. to call for the records and order dated 02.03.2020 in Crl.M.P.No.741 of 2020 on the file of the Principal District and Sessions Court, Coimbatore) set-aside the same, and modify the bail condition imposed in Crl.M.P.No.3548 of 2019 dated 21.10.2019 and return the petitioner's passport with any reasonable condition.

For Petitioner : M/s.P.Pugalenth

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking to call for the records and the order dated 02.03.2020 passed in Crl.M.P.No.741 of 2020 on the file of the Principal District and Sessions Court, Coimbatore), set-aside the same, and modify the bail condition imposed in Crl.M.P.No.3548 of 2019 dated 21.10.2019 and return the petitioner's passport with any reasonable condition.

2.The learned counsel for the petitioner submitted that on 01.08.2019 the petitioner was arrested by the respondent police for illegal possession and transportation of Red Sandalwood and thereafter, the petitioner filed a bail application in Crl.M.P.No.892 of 2019 before the Chief Judicial Magistrate



Court, Coimbatore and the same was dismissed on 09.10.2019. The petitioner challenged the dismissal order before the Principal District and Sessions Court, Coimbatore in Crl.M.P.No.3548 of 2019 and the same was allowed on 21.10.2019 with conditions. One of the conditions is that, the petitioner shall surrender his passport before the Chief Judicial Magistrate, Coimbatore at the time of execution of the bail bond.

3. The petitioner is an Indian citizen and his wife viz. Inanti is a citizen of Indonesia. They have a girl child aged 2 years, who met with a fire accident at Indonesia. Therefore, the petitioner want to see his child for which, he has filed a modification petition in Crl.M.P.No.741 of 2020 before the Principal District and Sessions Court, Coimbatore for return of his passport, but the same was dismissed on 02.03.2020. Challenging the same, this Criminal Original Petition is filed seeking modification of the conditions imposed by the lower court.

4. The learned Government Advocated raised his objections stating that the petitioner did not comply with the conditions imposed by the lower court and further submits that if he is allowed to travel abroad, he would abscond due to which, there would be no possibility of securing him.

5. On a perusal of the records, it is seen that the petitioner's wife is a citizen of Indonesia. Medical records pertaining to the little daughter of the petitioner reveal that, the child sustained minor fire injuries in her body and it requires normal treatment only. So, the petitioner could very well see the child through video call over mobile phone. Being not satisfied with the reasons stated by the petitioner, this Court is not inclined to accede to the relief sought for by him.

Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

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To

1.The Principal District and Sessions Judge,
Coimbatore.



2.The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Regional Unit, Trichy Road,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.17902 of 2021

PM(CO)
RVM(17/12/2021)